

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
ENTERED

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

CompUSA, INC.

Defendant.

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APR 19 2000

Michael N. Milby, Clerk of Court

CIVIL ACTION NO. H-99-3171

JURY TRIAL

CONSENT DECREE

The Equal Employment Opportunity Commission ("Commission" or "EEOC") alleges that Defendant CompUSA, Inc. ("CompUSA"), is legally responsible for sexual harassment, in violation of Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, which is alleged to have occurred at the CompUSA "Baybrook" store, located at 1013 West Bay Area Blvd., Webster, Texas 77598. CompUSA denies such conduct occurred and any liability for same.

The parties stipulate to the jurisdiction of the Court and waive a hearing and the entry of findings of fact and conclusions of law.

It is therefore ORDERED that:

1. This Consent Decree is entered in full and complete settlement of any and all claims arising out of or contained in this lawsuit, Civil Action No. H-99-3171, and in EEOC Charge No. 330-98-1817.

2. CompUSA, Inc., agrees that, as prescribed by law, it will not engage in any

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employment practice which violates Title VII by unlawfully discriminating against any individual because of such individual's sex.

3. CompUSA, Inc., agrees that, as prescribed by law, it will not retaliate against any individual who opposes any practice made an unlawful employment practice by Title VII, or against any individual who has provided testimony or evidence related to this lawsuit or to the investigation of EEOC Charge No. 330-98-1817.

4. Within ten (10) days after entry of this Consent Decree, a non-discrimination notice will be posted at the CompUSA franchise located at 1013 West Bay Area Blvd., Webster, Texas 77598, for a period of one (1) year after the entry of this Consent Decree. A copy of this notice is attached hereto as Exhibit "A." The notice will be posted in a location, to be agreed upon by the parties, which is conspicuous and accessible to all employees. CompUSA shall designate a manager, whose name will be provided to the EEOC, who will be responsible for ensuring that the notice remains posted during the one (1) year period specified in this paragraph.

5. Within sixty (60) days after the Court's entry of this Consent Decree, all Store Managers/General Managers, Retail Managers, Warehouse Managers, and Operations Managers at CompUSA's stores in Harris County and Fort Bend County, Texas, who have not received training on sexual harassment laws within two years of this Consent Decree shall receive such training. The training shall include instruction on the investigation of employee complaints of any type of unlawful harassment, including sexual harassment. Prior to such training session, the Houston District Office of the EEOC shall receive a copy of the training presentation outline. Within twenty (20) days after the completion of the training, the EEOC shall be provided with a statement listing the date on which the training was completed; the names, job titles, and store assignments of all attendees; and all topics



in the training presentation outline that were covered. As to all Store Managers/General Managers, Retail Managers, Warehouse Managers, and Operations Managers at CompUSA's stores in Harris County and Fort Bend County, Texas, who have received training on sexual harassment laws within two years of this Consent Decree, the EEOC shall be provided with a statement listing the date on which the training was completed and the names, job titles, and store assignments of all such managers.

6. As a part of its enforcement of the company policy prohibiting sexual harassment in the workplace, CompUSA will ensure through the appropriate Field Human Resources Director or the Regional Manager that any General Managers, Operations Managers, Warehouse Managers, or Retail Managers in its stores in Harris County and Fort Bend County who are found to have violated CompUSA's anti-harassment policy, and who have not otherwise been terminated, will at a minimum (1) be given a copy of CompUSA's anti-harassment policy and asked to sign a reaffirmation of same, with such documents to be placed in their personnel file; and (2) be given a written warning, to be placed in their personnel file, advising such manager that subsequent confirmed violations will result in the termination of their employment with CompUSA. Such written warning will be considered a factor in the annual evaluation of said manager's overall performance that is used to determine compensation increases and career advancement potential.

7. CompUSA, Inc., will adopt a policy which states that any members of its Human Resources Department who become involved in the investigation of sexual harassment complaints made by CompUSA employees shall be required to make and retain notes or reports related to the investigation. This policy shall include a statement that failure to comply with the policy will result in appropriate disciplinary action, up to and including termination, against the Human Resources



representative who violates the policy.

8. In exchange for Paula Drew's execution of a separate, full and complete release of any and all claims against CompUSA arising out of Ms. Drew's employment with CompUSA, Inc., and resignation therefrom, CompUSA, Inc., agrees to pay Paula Drew THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$39,500.00). Within ten (10) calendar days from the date of entry of this Decree, CompUSA shall send a check in the amount of \$39,500.00 to Paula Drew. CompUSA's check to Ms. Drew shall be mailed via certified mail, return receipt requested, to Paula Drew at the following address: Paula Drew, 708 Fahrentold, El Campo, TX 77437. A copy of the check shall be sent concurrently to the Commission at the following address: Equal Employment Opportunity Commission, attn: Timothy M. Bowne, 1919 Smith Street, 7th Floor, Houston, Texas 77002.

9. CompUSA, Inc., shall provide Paula Drew a letter of regret for the events and any misunderstandings leading up to Ms. Drew's loss of employment with CompUSA, Inc. Within ten (10) calendar days from the date of entry of this Decree, CompUSA shall send the letter of regret to Ms. Drew via certified mail, return receipt requested, at the following address: Paula Drew, 708 Fahrentold, El Campo, TX 77437. A copy of the letter shall be sent concurrently to the Commission at the following address: Equal Employment Opportunity Commission, attn: Timothy M. Bowne, 1919 Smith Street, 7th Floor, Houston, Texas 77002. This letter shall not be published by the EEOC or otherwise used in any future administrative or litigation proceeding.

10. CompUSA, Inc., does not intend to rehire, and agrees to comply with the EEOC's request that Timothy R. McCracken, Jr., shall be ineligible for re-hire or re-employment with CompUSA, Inc. A copy of this Consent Decree shall be placed in Mr. McCracken's CompUSA

personnel file, and the first page of this copy should conspicuously note his ineligibility for rehire and refer potential readers to this paragraph of the document.

11. CompUSA, Inc., agrees to segregate in a separate, confidential folder all documents related to Ms. Drew's charge of discrimination and the Commission's lawsuit. These documents shall not be part of Ms. Drew's personnel file. Further, CompUSA, Inc., agrees not to reference any of the following to any potential employer of Ms. Drew: Ms. Drew's charge of discrimination, the Commission's lawsuit, this Consent Decree entered in the Commission's lawsuit, or any general release signed by Ms. Drew in connection with the resolution of this lawsuit.

12. This Decree shall remain in effect for two (2) years from the date of signing. During such time, the Court shall retain jurisdiction to assure compliance with this Decree and to permit entry of such further orders or modifications as may be necessary or appropriate.

13. The parties shall bear their own costs and attorney's fees.

Signed on this 18<sup>th</sup> day of April, 2000.

  
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MELINDA HARMON  
UNITED STATES DISTRICT JUDGE





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Houston District Office**

1919 Smith St, 7<sup>th</sup> Floor  
Houston, TX 77002-8049  
PH: (713) 209-3320  
TDD: (713) 209-3439  
FAX: (713) 209-3381  
LEGAL: (713) 209-3401

**NOTICE  
PURSUANT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964  
AND  
THE CIVIL RIGHTS ACT OF 1991**

- (1) With respect to hiring, compensation, discharge, or any terms, conditions, or privileges of employment, Federal law requires that employers must not discriminate against employees or applicants for employment because of an individual's sex, religion, race, color, national origin, age or disability.
- (2) CompUSA, Inc., supports and will comply with such Federal law in all respects, and will not take any adverse action against individuals because of their sex, religious practices or beliefs, race, color, national origin, age or disability with respect to hiring, compensation, discharge or the terms, conditions or privileges of employment.
- (3) CompUSA, Inc., will not engage in any employment practices that have the effect of creating or tolerating a hostile environment for employees because of their sex, religious beliefs, religious practices, race, color, national origin, age or disability. CompUSA, Inc., will promptly investigate any claims of unlawful harassment, and will take prompt and appropriate action in response to any well-founded claim.
- (4) Employees who believe they have been subjected to illegal employment discrimination can contact the Equal Employment Opportunity Commission ("EEOC") at 1919 Smith Street, Houston, TX 77002, (713) 209-3372.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

\_\_\_\_\_  
Representative of CompUSA, Inc.

**THIS NOTICE WILL REMAIN POSTED FOR ONE YEAR FROM THE DATE OF SIGNATURE.**

**Exhibit "A"**